

12/553435

JC06 Rec'd PCT/PTO 18 OCT 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Plante *et al.*

Appl. No.: *To Be Assigned* (Natl. Phase  
of PCT/CA2004/000560)

Intl. Filed: April 19, 2004

For: **Polynucleotides for the Detection  
of *Listeria Monocytogenes***

Confirmation No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1556.0440000/SRL/TAC

**Information Disclosure Statement Under 37 C.F.R. § 1.97(b)**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents FP1 and NPL1 to NPL5 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of U.S. patent, document US1, cited on the attached Form PTO/SB/08A is not submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed within three months of the date of filing. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*for Steven R. Ludwig* REG. NO. 51,575  
Steven R. Ludwig  
Attorney for Applicants  
Registration No. 36,203

Date:

*October 18, 2005*

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i> <b>10/553435</b>	
				Application Number	To Be Assigned (Nat'l. Phase of PCT/CA2004/000560)
				Intl. Filing Date	April 19, 2004
				First Named Inventor	Daniel Plante
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Sheet	1

[illegible][illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). ' See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. ' Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ' For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ' Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ' Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

1000 Rec'd PCT/PTO 18 OCT 2005

PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b> / 1553435	
				Application Number	To Be Assigned (Nat. Phase of PCT/CA2004/000560)
				Intl. Filing Date	April 19, 2004
				First Named Inventor	Daniel Plante
				Art Unit	To Be Assigned
Examiner Name	To Be Assigned				
Sheet	1	of	1	Attorney Docket Number	1556.0440000/SRL/TAC

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	EMBL Database, Accession No. ACA14259, "Prokaryotic essential gene antisense oligonucleotide," (first created June 2003 and last updated October 2003)	
	NPL2	Copy of the Notification of transmittal of the International Search Report and the Written Opinion of the International Searching Authority, or the Declaration for International Application No. PCT/CA2004/000560, mailed August 31, 2004, European Patent Office, Netherlands	
	NPL3	Copy of the International Search Report for International Application No. PCT/CA2004/000560, mailed August 31, 2004, European Patent Office, Netherlands	
	NPL4	Copy of the Written Opinion of the International Searching Authority for International Application No. PCT/CA2004/000560, mailed August 31, 2004, European Patent Office, Netherlands	
	NPL5	Copy of the Second and Supplementary Notice Informing the Applicant of the Communication of the International Application for International Application No. PCT/CA2004/000560, mailed August 18, 2005, European Patent Office, Netherlands	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.